

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAII CHILDREN'S BLOOD AND) CIVIL NO. CV03-00708 ACK LEK
CANCER GROUP,) (Other Civil Action)

Plaintiff,)
DECLARATION OF KENNETH S.
ROBBINS

vs.)

HAWAII PACIFIC HEALTH;)
KAPI'OLANI MEDICAL)
SPECIALISTS; KAPI'OLANI)
MEDICAL CENTER FOR)
WOMEN AND CHILDREN,)

Defendants.)
_____)

DECLARATION OF KENNETH S. ROBBINS

I, KENNETH S. ROBBINS, make the following declaration on
personal knowledge and am competent to testify to the matters stated therein.

1. I am an attorney licensed to practice in all courts in the state of
Hawaii.

2. I make this declaration on personal knowledge of the facts set
forth in this declaration and am competent to testify to the matters stated herein.

3. I am the principal attorney for all Defendants in the above-
captioned matter.

4. Following the Court's lifting of the stay in this matter, U.S. Magistrate Judge, Honorable Leslie E. Kobayashi, entered herein an Amended Rule 16 Scheduling Order, on July 21, 2005.

5. Inasmuch as the lifting of the stay by this Honorable Court was sua sponte, the Amended Rule 16 Scheduling Order was an event which was not anticipated by any of the parties herein.

6. After considerable discussion between counsel for Plaintiffs and Defendants, it was agreed that the Amended Rule 16 Scheduling Order did not correspond to the order of events set forth in the corresponding state court case, including orders entered therein by Discovery Master retired Circuit Court Judge Patrick K.S.L. Yim with regard to the order of depositions, counsel herein agreed to enter into a stipulation to extend time for the parties to submit the written reports of their experts, including deadlines within which to conclude depositions of expert witnesses.

7. It is now clear that counsel for the parties overlooked other deadlines set forth in the said Amended Rule 16 Scheduling Order, including the deadline within which to file dispositive motions.

8. As set forth in my declaration in support of ex parte motion to shorten time within which to hear the motion which this declaration supports, I have discussed with Rafael del Castillo, Esq., one of Plaintiffs' attorneys, whether he is

agreeable to entering into a further stipulation which would amend other pretrial deadlines to conform to the stipulation he and I had agreed to and filed herein on October 28, 2005. In that conversation, Mr. del Castillo told me that he would have to discuss that issue with his clients.

9. Clearly, a December 21, 2005 dispositive motions cutoff does not logically correspond to an orderly pretrial agenda.

10. For example, in Judge Kobayashi's Amended Rule 16 Scheduling Order, filed July 21, 2005, attached hereto as Exhibit "A" for the Court's convenience, Judge Kobayashi set forth a deadline for the identity and written report of Plaintiffs' experts by November 21, 2005 and for Defendants' disclosure and written reports of their experts on December 21, 2005.

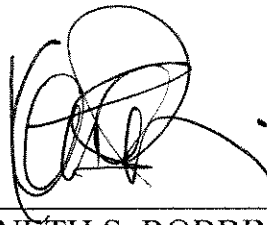
11. I cannot recall a lawsuit in Hawaii district court in which I have appeared as counsel for a party in which the dispositive motions cutoff preceded the conclusion of discovery and the publication of Plaintiffs' experts' reports.

12. Accordingly, it is respectfully requested that the Court enter a Second Amended Rule 16 Scheduling Order which more logically corresponds to other pretrial deadlines in this case, including the deadline for publication of reports of the experts of the parties herein.

13. A proposed Second Amended Rule 16 Scheduling Order is attached hereto as Exhibit "B", which, it is submitted, represents a more comprehensive and meaningful schedule of pretrial events in this lawsuit.

I declare under penalty of law that the foregoing statements are true and correct.

DATED: Honolulu, Hawaii, JAN 18 2006.

A handwritten signature in black ink, appearing to be "K. Robbins", written over a horizontal line.

KENNETH S. ROBBINS

Civil No. CV03-00708 ACK LEK; Hawaii Children's Blood and Cancer Group v. Hawai'i Pacific Health, et al.; DECLARATION OF KENNETH S. ROBBINS